

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: BRAUN-8

In re Application of:)	
)	
MATTHIAS BRAUN et al.)	
)	Examiner: Harris, Anton B
Appl. No.: 10/773,749)	
)	Group Art Unit: 2831
Filed: February 6, 2004)	
)	Confirmation No.: 5589
For: COVER FOR AN ELECTRONIC DEVICE)	

RESPONSE TO OFFICIAL ACTION dated March 8, 2006

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

This communication is in response to the Official Action of March 8, 2006, having a shortened period for response terminating June 8, 2006.

The Commissioner is hereby also authorized to charge any fees which may be required during the pendency of this application, including any patent application processing fees under 37 C.F.R. 1.17, and any filing fees under 37 C.F.R. 1.16, including presentation of extra claims, or credit any overpayment to Deposit Account No: 06-0502.

REMARKS

The last Office Action of March 8, 2006 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-17 are pending in the application. No amendment to the claims or specification has been made. No fee is due.

Claims 1-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lapp et al., of record, in view of U.S. Pat. No. 6,417,453 to Sotolongo.

Applicant respectfully disagrees with the Examiner's rejection of independent claims 1 and 10 on the basis of the applied prior art for the following reasons:

The present invention relates to a cover that is hood-shaped and is constructed with a helical cable guide beginning at opening AG and extending via slot SL, passageway 7 to outlet KA in a helical fashion. The cover thus assumes not only the function of a cover but also a guidance function for a cable.

The Lapp reference discloses a hood-shaped cover UK that snaps onto a seal body DK which includes a cable entrance KE. Reference is made in particular to Fig. 5, which illustrates the type of connection between the cover and the seal body. Other than being a covering, the cover UK serves no further purpose. There is no integrated structure intended or provided that would allow for guidance of a cable.

The Examiner's discussion of the Lapp disclosure is also confusing because it refers to reference numerals "10" (for opening) and "7" for (passageway), when in fact these reference numerals are not used in the Lapp disclosure and neither an opening nor a passageway are depicted in Fig. 1. Accordingly, clarification is requested.

Sotolongo discloses an adjustable electrical service fitting assembly (20) that is fitted within an opening (22) in a concrete floor (24) to provide electrical service from an underfloor wiring system. The fitting assembly has a guide

tube (104) for receiving interiorly a cable. The guide tube is made of flexible material from a narrow strip of metallic material wound in an overlapping helical pattern to effectively provide a series of displaceable segments forming a cylindrical tube (col. 5, lines 44-50). While Sotolongo refers to a helical pattern, it is unclear how the Lapp cover can be modified with a guide tube of Sotolongo, when the Lapp disclosure does not ascribe any structure for cable guiding purposes.

The fact that individual elements of the present invention can be found in the prior art is not determinative as to the question of obviousness. As stated by the Federal Circuit in *In re Rouffet*, 47 USPQ2d, 1453, 1457 "Most, if not all, inventions are combinations and mostly of old element. Therefore, an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be an illogical and inappropriate process by which to determine patentability."

Thus, there must be some motivation to combine the references to create the case of obviousness, and a showing that a skilled artisan, confronted with the problems as the inventor, would select the elements from the cited prior art references.

It is applicant's contention, that the Examiner failed to make a prima facie case of obviousness and failed to explain the motivation one with no knowledge of applicant's invention would have to combine the references in a manner suggested.

For the reasons set forth above, it is applicant's contention that neither Lapp nor Sotolongo, nor a combination thereof teaches or suggests the features of the present invention, as recited in claims 1 and 10.

As for the rejection of the dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection of claims 1-17 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

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